

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF MOTOR VEHICLES**

**SAFETY AND EMISSION CONTROL  
325 MELROSE STREET  
PROVIDENCE, RI 02907**

**TO: Rosemary Booth Gallogly**

**DEPT: Department of Administration**

**FROM: Dennis Gerstmeyer, Chairman**

**DEPT: Division of Motor Vehicles**

**SUBJECT: HEARING BOARD RESULTS**

**Please be advised of the following matters which were heard before the Board on Wednesday, November 30, 2011. Board members: Dennis Gerstmeyer, and Sgt. David Doucet of the Rhode Island State Police.**

**Also be advised the following people were present during the hearing: Marcy Coleman, Esq., Division of Legal Services, Douglas Staradumsky of Safety & Emission Control, and Jonathan Pellegrino of Safety & Emission Control**

**MEETING OF NOVEMBER 30, 2011 AT 12:30PM**

**AT THE DIVISION OF MOTOR VEHICLES – 3rd FLOOR,  
CONFERENCE ROOM,  
600 NEW LONDON AVE., CRANSTON RI 02920**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF: SEPTEMBER  
7, 2011 BOARD HEARING**

**2. SAFETY & EMISSION CONTROL OFFICE V**

**STATION 432 TORO AUTO SALES AND SERVICE & CIT 10303 JEFF  
ROMANO**

**COMPLAINT / SHOW CAUSE HEARING – CASE # 11-058**

**11-058 - The Board finds that the Inspector has engaged in  
unconscionable business practices and is unfit to do business as a  
vehicle inspector in violation of R.I.G.L. § 31-38-10(1),(3) and (7). On  
6/7/2011, a motorist contacted the DMV for information regarding her  
vehicle that was impounded in Massachusetts. While investigating  
the issue, DMV Safety and Emissions Investigator John Pellegrino  
learned that Inspector and Station issued a valid inspection sticker to**

the vehicle while the vehicle was impounded in another state. This inspection was performed in violation of the Rhode Island Official Manual for Vehicle Inspection, R.I.G.L. § 31-38-10 and Safety and Emission Control Regulation Number 1.

Inspector Pellegrino visited the Station to speak with the Inspector. The Inspector indicated that he had made a mistake with the paperwork and did not inspect the impounded vehicle. While there, Investigator Pellegrino inadvertently picked up a hand written ledger listing vehicles and monetary amounts ranging from \$50 to \$100. A check of that ledger against the inspections performed that day reveal an almost one for one match. Upon questioning regarding charges for inspections, Inspector admitted that he is often paid \$50 per inspection and that the amount over the statutory fee was a tip. The ledger also included a charge of \$100 for the Mitsubishi Gallant. The Inspector explained that the amount covered the two inspections performed on that vehicle although he had no explanation for why the vehicle was on the list for a day during which the vehicle was impounded. The Board does not believe that the Inspector made a mistake with respect to the Gallant.

The Board did not find the Inspector's testimony to be credible. He further elaborated on the methods by which he maintains the records of the business and those methods can only be called shoddy at best.

Although the Board has only found that the Inspector has committed one violation, the entire course of conduct and the Inspector's

answers to simple questions demonstrates that the Inspector does not know what he should be doing as an inspector and he should not be licensed in this business. Although the Inspector has only been licensed since February 2010, he has already been suspended for forty days based on four fraudulent inspections in November 2010. Based on the circumstances surrounding this violation and the history of past violations with consequences, the Board revokes Inspector's license.

With respect to the Station, the Board holds the Station liable as the license holder for the deeds or misdeeds of its employees. In this case, the evidence reveals that the owner is not present in the business and does not have an awareness of the day to day activities.

The Board imposes a 180 day suspension (the maximum for a second offense) and a \$500.00 fine. The prior suspension of the station license served to put the owner on notice that he is responsible as the license holder and yet he still does not have a regular presence at the station.

### **3. SAFETY & EMISSION CONTROL OFFICE V**

**STATION 410 CLA GAS AND SERVICE & CIT 4462 BERNARDO PEREZ**

**COMPLAINT / SHOW CAUSE HEARING – CASES 11-051, 11-053, 11-054 AND 11-74**

**Postponed at the request of CLA Gas and Service**

#### **4. SAFETY & EMISSION CONTROL OFFICE V**

**STATION 397 PONTIAC AVENUE GETTY & CIT 10054 ELIE ANTOUN  
COMPLAINT / SHOW CAUSE HEARING – CASES 11-057, 11-060,  
11-061, 11-063, AND 11-064**

**11-060 - Based on the testimony presented, the Board directs the Safety and Emissions Control Office to call in the vehicle in question to perform an independent test at the state garage. No findings are made with respect to this complaint.**

**11-057 - The Board finds that on 5/31/2011, Inspector placed a valid sticker on a 1996 Infiniti I-30 which was clearly an unsafe vehicle. On 6/2/2011, the vehicle was brought to the state garage for an inspection. The vehicle was examined by state inspectors and was found to be unsafe with a laundry list of violations. The check engine light was inoperable, oil was leaking, frame and rails were rotted, inner body was rotted, fuel and brake lines rotted and rocker panels rotted. The vehicle was immediately suspended. This inspection was performed in violation of the Rhode Island Official Manual for Vehicle Inspection, R.I.G.L. § 31-38-10 and Safety and Emission Control Regulation Number 1. With flagrant disregard for the safety of the general public, Inspector improperly inspected the vehicle and issued a valid sticker, thus placing an unsafe vehicle on the roads. This Inspector and Station were already suspended for 120 days in 2010**

for the same violations. Accordingly, the Board orders revocation of the licenses of both the Station and Inspector.

11-061 - The Board finds that Inspector performed a fraudulent vehicle inspection on 5/27/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a mismatched OBD VIN and a protocol mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. This Inspector and Station were already suspended for 120 days in 2010 for the same violations. Accordingly, the Board orders revocation of the licenses of both the Station and Inspector.

11-063 - The Board finds that Inspector performed a fraudulent vehicle inspection on 6/13/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a mismatched OBD VIN and a protocol mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates

**that different vehicles were used for the different tests. This Inspector and Station were already suspended for 120 days in 2010 for the same violations. Accordingly, the Board orders revocation of the licenses of both the Station and Inspector.**

**11-064 - The Board finds that Inspector performed a fraudulent vehicle inspection on 6/4/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a mismatched OBD VIN and a protocol mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. This Inspector and Station were already suspended for 120 days in 2010 for the same violations. Accordingly, the Board orders revocation of the licenses of both the Station and Inspector.**

## **5. SAFETY & EMISSION CONTROL OFFICE V**

**STATION 186 WILLETT AVE GETTY & CIT 9239 NAJIB DIB**

**COMPLAINT / SHOW CAUSE HEARING – CASES 11-66, 11-67, 11-68, 11-69 AND 11-70**

**11-066 - Inspector admitted that on 6/23/2011, he placed a sticker on a 1995 Mitsubishi Eclipse without having actually placed the vehicle on**

the lift and properly inspected it. He indicated that it had been brought to him by a Dealer and he just walked around the vehicle. Three weeks after the inspection, the vehicle was examined by state inspectors and was found to be unsafe with rotted rocker panel, strut tower, frame rails, brake lines and a leaking exhaust system. The vehicle was immediately suspended. This inspection was performed in violation of the Rhode Island Official Manual for Vehicle Inspection, R.I.G.L. § 31-38-10 and Safety and Emission Control Regulation Number 1. With flagrant disregard for the safety of the general public, Inspector admits he improperly inspected the vehicle and issued a valid sticker, thus placing an unsafe vehicle on the roads. Accordingly, the Board orders suspension of the licenses of both the Station and Inspector for a period of thirty (30) days to run consecutive to any other suspensions.

11-067 - The Board finds that the Inspector has performed a fraudulent vehicle inspection on 6/29/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a mismatched OBD VIN, protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. The Board orders the license of both the



**Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.**

**11-068 - Inspector admits performing a fraudulent vehicle inspection on 6/30/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of the Inspector as well as a trigger report indicating that there was a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed indicates that different vehicles were used for the different tests. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.**

**11-069 - The Board finds that the Inspector has performed a fraudulent vehicle inspection on 6/24/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed indicates that different vehicles were used for the different tests. The Board orders the license of both the Inspector and Station be suspended for a**

**period of thirty (30) days to run consecutive to any other suspensions.**

**11-070 - Inspector admits performing a fraudulent vehicle inspection on 6/30/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of the Inspector as well as a trigger report indicating that there was a mismatched OBD VIN, a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.**

## **6. SAFETY & EMISSION CONTROL OFFICE V**

**STATION 453 WEST WARWICK FOOD MART & CIT 10484 RICKY THAYER**

**COMPLAINT / SHOW CAUSE HEARING – CASES  
11-78,11-79,11-80,11-81,11-82,11-83, 11-84 AND 11-92**

**11-078 - Inspector admits performing a fraudulent vehicle inspection on 7/5/2011 by utilizing another vehicles to obtain passing emissions**

results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of the Inspector as well as a trigger report indicating that there was a mismatched OBD VIN, a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. Although notified to be present at the hearing, the station owner failed to appear. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.

11-079 - Inspector admits performing a fraudulent vehicle inspection on 8/12/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of the Inspector as well as a trigger report indicating that there was a mismatched OBD VIN, a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. Although notified to be present at the hearing, the station owner failed to appear. The Board orders the license of both the Inspector and Station be suspended for a period

**of thirty (30) days to run consecutive to any other suspensions.**

**11-080 - Inspector admits performing a fraudulent vehicle inspection on 7/11/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of the Inspector as well as a trigger report indicating that there was a mismatched OBD VIN, a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. Although notified to be present at the hearing, the station owner failed to appear. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.**

**11-081 - Inspector admits performing a fraudulent vehicle inspection on 9/14/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of the Inspector as well as a trigger report indicating that there was a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed indicates that different vehicles were used for the different**

tests. Although notified to be present at the hearing, the station owner failed to appear. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.

11-082 - Although the Inspector denies performing this inspection, the Board finds that the Inspector has performed a fraudulent vehicle inspection on 7/11/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The test was performed using Inspector's password and he is responsible for maintaining the integrity of that password and changing it in the case of a breach. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed indicates that different vehicles were used for the different tests. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.

11-083 - Inspector admits performing a fraudulent vehicle inspection on 7/9/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of

the Inspector as well as a trigger report indicating that there was a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed indicates that different vehicles were used for the different tests. Although notified to be present at the hearing, the station owner failed to appear. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.

11-084 - Although the Inspector denies performing this inspection, the Board finds that the Inspector has performed a fraudulent vehicle inspection on 8/18/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The test was performed using Inspector's password and he is responsible for maintaining the integrity of that password and changing it in the case of a breach. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed indicates that different vehicles were used for the different tests. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.

11-092 - Although the Inspector denies performing this inspection,

**the Board finds that the Inspector has performed a fraudulent vehicle inspection on 10/5/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The test was performed using Inspector's password and he is responsible for maintaining the integrity of that password and changing it in the case of a breach. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a mismatched OBD VIN, a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.**

## **7. SAFETY & EMISSION CONTROL OFFICE V**

**STATION 694 TIVERTON SUNOCO & CIT 8747 GEORGE MITRI**

**COMPLAINT / SHOW CAUSE HEARING – CASES 11-085 & 11-088**

**11-085 - The Board finds that on 9/7/2011, Inspector placed a valid sticker on a 2000 Oldsmobile Alero which was clearly an unsafe vehicle. On 9/22/2011, the vehicle was brought to the state garage for an inspection after an independent garage indicated to the owner that there were serious safety issues with the vehicle. The vehicle was examined by state inspectors and was found to be unsafe with rotted**

frame rails, rear brake line had an improper fitting, rotted fuel filler tube, faulty brake caliper and two bald tires. The vehicle was immediately suspended. This inspection was performed in violation of the Rhode Island Official Manual for Vehicle Inspection, R.I.G.L. § 31-38-10 and Safety and Emission Control Regulation Number 1. With flagrant disregard for the safety of the general public, Inspector improperly inspected the vehicle and issued a valid sticker, thus placing an unsafe vehicle on the roads. Accordingly, the Board orders suspension of the licenses of both the Station and Inspector for a period of thirty (30) days to run consecutive to any other suspensions.

11-088 - The Board finds that the Inspector has performed a fraudulent vehicle inspection on 9/10/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the trigger report indicating that there was a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed indicates that different vehicles were used for the different tests. The Board orders the license of both the Inspector and Station be suspended for a period of thirty (30) days to run consecutive to any other suspensions.

## **8. SAFETY & EMISSION CONTROL OFFICE V**



**STATION 649 UNITED CAR RENTAL INC.& CIT 8221 KEITH PERRY  
COMPLAINT / SHOW CAUSE HEARING – CASE # 11-87**

**11-087 - Inspector admits performing a fraudulent vehicle inspection on 9/21/2011 by utilizing another vehicles to obtain passing emissions results in violation of R.I.G.L. § 31-38-10(3) and Rule 1.12.1(b) of the Rhode Island Vehicle Emissions Control Regulation No.1. The Board finds that a fraudulent test was performed based on the admission of the Inspector as well as a trigger report indicating that there was a mismatched OBD VIN, a protocol mismatch and a readiness monitor mismatch. The fact that the computer language for the vehicle changed and the VIN number was extracted for the first test but is absent in the second test indicates that different vehicles were used for the different tests. The Board orders the license the Inspector be suspended for a period of ten (10) days. The minimum sanction is imposed based on the fact that this is the only complaint brought against the Inspector since he obtained his license in 1998. He further admitted that he did this because the monitors would not reset after completing repairs and he did not want to inconvenience the customer. There is no finding against the Station as the Board notes that there have been no complaints lodged against the station since it became licensed in 2002.**

**9. SAFETY & EMISSION CONTROL OFFICE V**

**STATION 384 ROTONDO'S AUTO SERVICE CENTER & CIT 4687  
ROBERT ROTONDO**

## **COMPLAINT / SHOW CAUSE HEARING – CASE # 11-089**

**11-089 - The Inspector admitted that on 8/10/2011, he placed a sticker on a 2001 Mitsubishi Gallant without having actually placed the vehicle on the lift and properly inspected it. He indicated that it had been brought to him by a Dealer and he just walked around the vehicle. Four weeks after the inspection, the vehicle was examined by state inspectors and was found to be unsafe with rotted floors, bad outer tie rod, broken rear sway bar link and a leaking exhaust system. The vehicle was immediately suspended. This inspection was performed in violation of the Rhode Island Official Manual for Vehicle Inspection, R.I.G.L. § 31-38-10 and Safety and Emission Control Regulation Number 1. With flagrant disregard for the safety of the general public, Inspector admits he improperly inspected the vehicle and issued a valid sticker, thus placing an unsafe vehicle on the roads. The Board imposes a one year letter of reprimand in this matter. This reprimand will be maintained in the license files for the Station and Inspector for one year and may be removed upon request at the end of that time. If, during the one year period, either the Station or Inspector is found to have committed a violation, this matter may be used against them as a first offense.**

**Cc: John DiTomasso, Assistant Administrator, DMV**  
**Richard Carlucci, Chief , Safety & Emission Control**  
**Marcy Coleman, Esq., Division of Legal Services, DOA**  
**File**